

Testimony by Rory Saunders regarding the passage of river herring on the St. Croix River (LD 72; LD 584; LD 748)

- Senator Johnson, Representative Kumiega, members of the Marine Resources Committee, my name is Rory Saunders, a fisheries biologist based at the National Marine Fisheries Service's Maine Field Station in Orono, Maine. I am here today at the request of the Marine Resources Committee. So, I thank you for the invitation and opportunity to be here today.
- I understand that LD 584, "An Act to Provide for Passage of River Herring on the St Croix River in Accordance with an adaptive management Plan" has been described as a compromise. Part of the argument for that is that all the relevant resource agencies were consulted in the development of the adaptive management plan. As one of several of the Plan's co-authors and being from an agency that is on record of not supporting the plan, I am here to explain some of the circumstances surrounding my involvement, to re-assert my agency's track record of support for unfettered access for river herring passage in the St. Croix, and the Agency's commitment to continue working with the State and stakeholders on river herring restoration.
- I would like to start by highlighting a recent letter from Regional Administrator Bullard to Chairs Johnson and Kumiega of the Marine Resources Committees.
 - "I would like to re-affirm NOAA Fisheries Service's commitment to securing unfettered access for river herring (i.e., sea-run alewife) in the St. Croix watershed. In short, it is crucial to fully restore a healthy population of alewives to the St. Croix by providing access to important freshwater spawning habitats. Alewife, along with other native sea-run fish, are important prey species for commercially valuable state and federally managed fisheries. Given the current status of those fisheries, diversifying the prey base of the Gulf of Maine is a priority goal for our agency. Fully restoring alewife runs throughout the St. Croix watershed, with the potential to be the largest such run in the Gulf of Maine, would be a substantial step toward that goal.
 - I would also like to reiterate our position on the "Adaptive Management Plan for managing Alewife in the St. Croix Watershed, Maine and New Brunswick ("Plan"). Our letter from 2010 clearly explains that NOAA Fisheries Service does not support the Plan as written even though technical staff from my office were involved in its development. The pre-requisite for discussions to begin developing text for the Plan were that it only address areas below Spednik Lake and West Grand Lake and also maintain smallmouth bass fisheries at current or higher levels. While we did not agree that this is an appropriate basis with which to start, my staff continued to work with the group in order to develop a plan for some level of alewife restoration. As we indicated in our 2010 letter, we believe that the Plan falls short in many areas with regard to alewife restoration and does not meet the stated goals.

- I hope that our past correspondence, as well as this letter, clearly articulate the biological need for and our clear track record in support of unfettered access to the entire St. Croix watershed.
 - Sincerely, John K. Bullard, Regional Administrator, National Marine Fisheries Service”
- With that as background, I would now like to explain some of the circumstances surrounding my involvement in the development of the Plan. In 2009, I was asked by some colleagues within the Maine Departments of Marine Resources and Inland Fisheries and Wildlife to help draft the plan. At the time, the bill from 2008 had recently been enacted. We believed that more needed to be done to slow the decline of river herring in the Gulf of Maine and restore the species to a river in which it once flourished. After consulting with my leadership, I agreed to participate on the committee drafting the plan. It was clear at the outset that the plan to restore passage would rely on a phased approach. Given the circumstances, we concluded that some level of restoration (even if it were to be phased over time) would be better than the current levels of rebuilding than the 2008 law would allow.
- As I became involved in the development of the plan, it became clear to me that there were some very strict limitations placed on the work of the committee. These limitations are best articulated in the introduction to the adaptive management plan that states:
 - “This management plan was drafted at the request of the International Joint Commission’s International St. Croix River Watershed Board. Based on the best available science, it outlines an adaptive process for restoring alewife (gaspereau) **to the portion of the St. Croix watershed (Maine/New Brunswick) that lies below (downstream of) West Grand Lake and Spednic Lake while maintaining the smallmouth bass fishery at current or higher levels.** The plan is the consensus of the contributors; however, staff participation in the process does not constitute agency endorsement.”
- In my written testimony, I have highlighted salient points to emphasize that these were the starting points for developing the plan. I was informed that there would be no plan, and thus no additional river herring restoration without these limitations.
- Shortly after the plan was completed, it was presented to the public. During this period and prior to the public meeting in August of 2010, my agency sent a letter to the International Joint Commission (Letter from Regional Administrator Patricia Kurkul to Colonel Philip T. Feir, dated July 26, 2010) that highlighted both significant policy concerns and technical concerns with the Plan. Regarding the policy concerns,
 - “there are several troubling aspects to the plan that we (NMFS) cannot support. Rather than basing river herring recovery thresholds on a single metric related to a non-native

species, NMFS prefers a more modern and integrated ecosystem approach. The plan's ceiling on river herring populations is directly related to population metrics of smallmouth bass. Thus, we have serious concerns that a single non-native species is driving the management regime in the St. Croix watershed. This imbalance is evident since river herring are important to a variety of state and federally managed resources..."

- "NMFS cannot support agreements that would maintain fish passage barriers to historic spawning and rearing habitat for native sea-run species. Spednic Lake and West Grand Lake and areas upstream of those lakes are not being considered for free access by native sea-run fish such as river herring. These areas represent tens of thousands of acres of suitable spawning and rearing habitat for river herring. In order for NMFS to fully support the plan, the plan must include specific timelines for re-opening historic habitat in the watershed. NMFS encourages the IJC to re-draft the plan with a timeline for implementing this goal. NMFS will provide staff and expertise necessary to assist the IJC in this endeavor."
 - In conclusion, "NMFS fully supports accelerated and unimpeded recovery of river herring through complete, safe and timely passage at all anthropogenic barriers in the St. Croix watershed. We believe that securing passage prior to the 2011 run is an essential first step to recovery of this depleted species."
- Approximately one year after we filed these comments with the IJC, my agency was petitioned to list river herring (including sea-run alewife) as a threatened species under the Endangered Species Act. My agency concluded that the petition presented credible information, and a formal review of the species' status is currently underway.
 - Among the threats identified in the petition, is the lack of adequate fish passage. Many scientific papers in recent years have confirmed the declining population levels of river herring throughout their range and a clear link between declining population levels and poor fish passage.
 - In conclusion, my agency is supportive of unfettered access for river herring in the St. Croix River for two main reasons. First, alewife and blueback herring are native species in serious peril throughout the entirety of their range because of a variety of man-made factors including poor or non-existent fish passage. Second, river herring are an important component of the prey base for commercially valuable state and federally managed fisheries. Given the current status of those fisheries, diversifying the prey base of the Gulf of Maine is a priority goal for our agency. Fully restoring alewife runs throughout the St. Croix watershed, with the potential to be the largest such run in the Gulf of Maine, would be a substantial step toward that goal. The current adaptive management plan, if implemented, would fall well short of realizing that goal. NOAA Fisheries remains committed to working with all parties to address these issues.
 - This concludes my testimony.

- I have provided 25 copies of my statement and the letters referenced in my statement.
- Thank you for the invitation to be here today.